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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/181,311 10/28/98 LEE

A APV-382.01

EXAMINER

HM22/0317

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BOSTON MA 02109-2170

TURNER, S

ART UNIT

PAPER NUMBER

1644

7

DATE MAILED:

03/17/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/181,311

Applicant(s)

Lee et al

Examiner

Sharon L. Turner, Ph.D.

Group Art Unit

1644



☒ Responsive to communication(s) filed on 2-1-00

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-30 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1-30 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION



Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-6, drawn to method of stimulating differentiation of vascular smooth muscle, classified in class 424, subclass 85.1.
 - II. Claims 7-9 and 12-21, drawn to method for identifying a gene, classified in class 536, subclass 23.1.
 - III. Claims 10-11 and 21, drawn to method of identifying regulator of proliferation, classified in class 514, subclass 2.
 - IV. Claims 22-29, drawn to a method of modulating or treating with an agent, classified in class 530, subclass 300.
 - V. Claim 30, drawn to a method for identifying agent that inhibits, classified in class 536, subclass 23.5.
2. The inventions are distinct, each from the other because of the following reasons:
3. Groups I-V are related as methods. The methods are distinct each from the other because they comprise different steps, use different reagents and perform different functions. For example the methods of group I stimulates differentiation, the method of group II identifies genes, the method of group III identifies agents which modulate differentiation, the methods of group IV modulates proliferation and migration and the method of group V identifies agents

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which inhibit proliferation. The methods of groups I-V, thus produce different using different compounds for example for treatment by administration, with an agent, a gene, or an inhibitor.

4. Because these inventions are distinct for the reasons given above and the search required for Groups I and II are not required for Groups II and III, restriction for examination purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their different classification and recognized divergent subject matter, restriction for examination purposes as indicated is proper.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. Any inquiry of a general nature or relating to the status of this general application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Papers relating to this application may be submitted to Technology Center 1600, Group 1640 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). Should applicant wish to FAX a response, the current FAX number for Group 1600 is (703) 308-4242.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon L. Turner, Ph.D. whose telephone number is (703) 308-0056. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan, can be reached at (703) 308-3973.

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Sharon L. Turner, Ph.D.
March 16, 2000

Patricia A. Duffy
PATRICIA A. DUFFY
PRIMARY EXAMINER